

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 18 has been amended to correct an informality by reversing elements (d) and (e) to ensure appropriate antecedent basis.

As explained in the specification, obtaining a bar which does not develop an off-taste, which has good sensorial properties and which does not brown or otherwise change color has been found to be a particular problem in nutrition bars comprising soy protein and transition metals and/or transition metal compounds. The specification indicates at page 6, lines 19, et seq. that by the features of the invention, the nutrition bars are formulated to comprise elevated levels of protein yet do not suffer unacceptably from a deterioration in taste or other organoleptic properties, such as appearance, browning or texture, over time. The undersigned has been informed that this type of spoilage was found to result from reactions between proteins and reducing sugars, which were found to be catalyzed by the transition metals.

Applicants' answers to these problems include incorporating a humectant and employing the transition metal in a substantially insoluble form. In another embodiment of the invention, nuggets are employed. In further embodiment, the water activity of the bar is limited.

Since the Office points to no teaching to employ transition metals in a substantially insoluble form, it is submitted that claim 16 is allowable.

It is unclear how the Office arrives at the conclusion that since Maxwell discloses that the soy protein would be in solid form it would be obvious to include soy protein in the form of nuggets. The Office points to no teaching in any of the references concerning nuggets. If the Office is relying upon the Examiner's personal expertise, a declaration

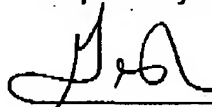
setting forth the basis for this is requested. Otherwise, by failing to cite particular references and by failing to provide a declaration, the Office denies applicants any context for its assertion concerning nuggets, which hampers applicants' ability to assess and traverse the rejection. Based on the references cited thus far, since the Office points to teachings of nuggets in none of the cited references, it cannot be seen what incentive a skilled person would have had to utilize nuggets in the food bars described in Maxwell et al.

The Office indicates that Maxwell et al. do not disclose a bar as defined in claim 1, wherein (i) at least about 1 wt.% of the soy and/or rice protein is in nugget form, (ii) glycerol is used as a humectant and (iii) the A_w is not more than 0.45.

According to the Office, one of ordinary skill in the art would have been motivated to combine soy protein, glycerol and transition metals into a nutrition bar because the combination of these ingredients into a nutrition bar would have assured a suitable package or delivery of the product. It is unclear, however, what the incentive is to combine teachings of use of glycerol in food bars and food bars having an A_w of 0.2-0.55. with the particular teachings of Maxwell et al.

In view of the foregoing, it is respectfully requested that the application as amended, be allowed.

Respectfully submitted,



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